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| 09/766,573      | 01/23/2001  | Daniel Sherwin       | 021619.0106         | 2345             |

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| EXAMINER |
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BLACKMAN, ROCHELLE ANN J

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| ART UNIT | PAPER NUMBER |
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2851

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/766,573

Applicant(s)

SHERWIN, DANIEL

Examiner

Rochelle Blackman

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 21 May 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 4-6, 10, 11, and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Consumer Price List, OConnor Professional Camera Support Systems (16 pages).

The OConnor Consumer Price List discloses a "fast deployable light-weight tripod"(see 25 L on pg. 5) comprising a "center support"(see top of 25L on pg. 5); "at least three multistage telescoping leg assemblies"(see legs of 25L on pg. 5) and "each leg assembly" comprising "at least two/at least compression-resistant members"(see "compression-resistant members in "front" leg assembly and also see description under title "25L" – "... Two Stage..." which implies that it has "three compression resistant members", the "compression-resistant members" are more visible when the 25L is extended to its maximum height of

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66 inches) and "at least one plastic, fiber-reinforced tube"(see description under title "25L" – "Carbon Fiber"); "at least one cam locking unit"/ a "hand accessible release element"(see part of description under the title, "25L TWO STAGE SUPPER LIGHTWEIGHT TRIPOD" – "...horizontal lever locks for quick, safe and secure leg adjustments..."); a "foldable hinged three-arm restriction member"(see description under title "25L" – "Casting, Mid-Leg Spreader"); and "able to support a 30 kg load at a height of 1.5 meters and weighing no more than 3.4 kg"(see description under title "25L" – "Capacity..., Weight..., and Maximum...").

Features and functions of the claimed elements are similarly met by the features and functions of the above mentioned elements.

2. Claims 1, 2, 4-7, 9, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Hartman et al., U.S. Patent No. 4,767,090.

Hartman discloses a "fast deployable light-weight tripod"(see FIG. 34); "a center support"(see 396 of FIG. 34); "at least three/three multistage telescoping leg assemblies"(see 44d of Fig. 34) comprising "at least one plastic, fiber-reinforced tube"(see col. 21, lines 12-17); "at least one cam locking unit" and a "hand accessible/further hand-accessible release element" and an "external lever"(see 48a of FIG. 15 and/or 48d of FIG. 34 and 408 of FIG. 34); and a "folded hinged three-arm restriction member"(see 398 of FIG. 34). Features and functions of the claimed elements are similarly met by the features and functions of the above mentioned elements.

3. Claims 1, 4-7, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Baker, U.S. Patent No. 5,320,316.

Baker discloses a "a fast deployable light-weight tripod"(see Figs. 1-8); "a center support"(see 1 of Fig. 1); "at least three/three multistage telescoping leg assemblies"("see 20, 30, and 40 of Fig. 4); "at least one cam locking unit" and a "hand accessible/further hand-accessible release element" (see 38 and 48 of Figs. 4 and 6) and a "shoe member"(see 58 of Fig. 8). Features and functions of the claimed elements are similarly met by the features and functions of the above mentioned elements.

4. Claims 1, 4, 7, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Connor, U.S. Patent No. 4,872,672.

O'Connor discloses a "a fast deployable light-weight tripod"(see FIGS. 1-19); "a center support"(see 11 of FIG. 1); "at least three/three multistage telescoping leg assemblies"("see 12-14 of FIG. 1); "at least one cam locking unit" and a "hand accessible/further hand-accessible release element"(see 56 of FIGS. 3-6 and 63 of FIGS. 15 and 16); and a "spring means"(see 34 of FIGS. 9-11 and 77 of FIGS. 17-19). Features and functions of the claimed elements are similarly met by the features and functions of the above mentioned elements.

#### ***Claim Rejections - 35 USC § 103***

1. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Consumer Price List, OConnor Professional Camera Support Systems (16 pages) in view of Sassmannshausen et al., U.S. Patent No. 5,570,968.

The OConnor Consumer Price List discloses the claimed invention except for a further hand-accessible release element that is "a press button".

Sassmannshausen teaches that it is known to provide "a push button"(see 11 of FIGS. 1-4) that is depressed to release "a clamping device"(see 1 of FIGS. 1-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the lever type "release element" on the tripod of The OConnor Consumer Price List reference for the "push button" of the Sassmannshausen reference, since levers and buttons used as release structures are well known in the art.

2. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman et al., U.S. Patent No. 4,767,090 in view of Sassmannshausen et al., U.S. Patent No. 5,570,968.

Hartman discloses the claimed invention except for a further hand-accessible release element that is "a press button".

Sassmannshausen teaches that it is known to provide "a push button"(see 11 of FIGS. 1-4) that is depressed to release "a clamping device"(see 1 of FIGS. 1-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the lever type "release element" on the tripod of the Hartman reference for the "push button" of the Sassmannshausen reference, since levers and buttons used as release structures are well known in the art.

3. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baker, U.S. Patent No. 5,320,316 in view of Sassmannshausen et al., U.S. Patent No. 5,570,968.

Baker discloses the claimed invention except for a further hand-accessible release element that is "a press button".

Sassmannshausen teaches that it is known to provide "a push button"(see 11 of FIGS. 1-4) that is depressed to release "a clamping device"(see 1 of FIGS. 1-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the lever type "release element" on the tripod of the Baker reference for the "push button" of the Sassmannshausen reference, since levers and buttons used as release structures are well known in the art.

4. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor, U.S. Patent No. 4,872,672 in view of Sassmannshausen et al., U.S. Patent No. 5,570,968.

O'Connor discloses the claimed invention except for a further hand-accessible release element that is "a press button".

Sassmannshausen teaches that it is known to provide "a push button"(see 11 of FIGS. 1-4) that is depressed to release "a clamping device"(see 1 of FIGS. 1-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the lever type "release element" on the tripod of the O'Connor reference for the "push button" of the Sassmannshausen reference, since levers and buttons used as release structures are well known in the art.

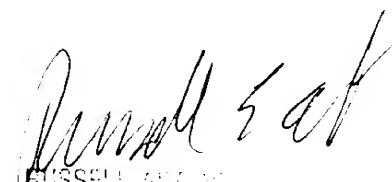
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rochelle Blackman whose telephone number is (703) 308-2879. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell Adams can be reached on (703) 308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

RB  
August 12, 2002

  
RUSSELL ADAMS  
SUPERVISOR  
AUG 12 2002